Remarks

Claims 40-47, 50-54, 62 and 131-134 were considered in the Office Action mailed on June 7, 2004. Claims 50-54 and 131-134 were rejected under 35 U.S.C. §101; claims 50, 52, 131 and 132 were rejected under 35 U.S.C. §112, first paragraph; and claims 50-54 and 131-134 were rejected under 35 U.S.C. §102(b). Claim 62 was objected to as being dependent upon a rejected claim. Claims 40-47 were stated to be allowable.

Applicants thank the Examiner for the helpful discussion of August 17, 2004, during which Applicants' attorney, Jennifer Moitoso, and the Examiner discussed the nature of the current rejections and amendments to overcome them. Based upon this discussion with the Examiner, Applicants have amended claims 50 and 131 to clarify that the descendent cells comprise the vector, and have amended claims 52 and 132 to clarify that the host cell is a mammalian host cell. The rejections and amendments are discussed in more detail below. Support for the amendments can be found throughout the specification, including, for example, at page 5, lines 13-15, and page 30, lines 7-10. No new matter has been added by these amendments.

Rejections under 35 U.S.C. §101

Claims 50-54 and 131-134 were rejected under 35 U.S.C. §101 as being directed toward non-statutory subject matter. Specifically, those claims were said to read on a product of nature because the claims do not require that the descendent cells retain the vector. As discussed with Examiner on August 17th, Applicants have amended claims 50 and 131 to clarify that the descendent cells comprise the vector, and submit that the amendment obviates the rejections. Claims 51-54 and 134 depend from claim 50, and claims 132-133 depend from claim 131. As such, Applicants respectfully submit that the rejections to claims 51-54 and 131-134 have also been obviated and request reconsideration and withdrawal thereof.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 50, 52, 131 and 132 were rejected under 35 U.S.C. §112, first paragraph, for allegedly not being enabled by the specification. As discussed with the Examiner, Applicants

have amended claims 50 and 131 to clarify that the descendent cells comprise the vector, and have amended claims 52 and 132 to clarify that the host cell is a mammalian host cell.

Applicants submit that amended claims 50, 52, 131 and 132 are fully enabled by the specification. Accordingly, Applicants respectfully submit that claims 50, 52, 131 and 132 are in condition for allowance and request reconsideration and withdrawal of the current rejections.

Rejections under 35 U.S.C. §102(b)

Claims 50-54 and 131-134 were rejected inder 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,959,313 to Taketo ("Taketo"). Specifically, the Office Action states that because the claims do not require that the decendent cells retain the vector, the claims are anticipated by Taketo. As discussed with the Examiner on August 17th, and as described above, claims 50 and 131 have been amended to clarify that the descendent cells, as well as the host cells, comprise the vector. Applicants respectfully submit that this amendment obviates the rejections to claims 50 and 131, as well as to claims 51-54 and 132-134, which depend therefrom.

Claim Objection

Claim 62 was objected to as being dependent upon a rejected base claim. Claim 62 depends from any of claims 51-54. Applicants submit that upon entry of this paper, claims 51-54 will be in condition for allowance. Accordingly, Applicants respectfully request that the objection to claim 62 be withdrawn and submit that claim 62 is in condition for allowance.

Supplemental Information Disclosure Statement

Applicants enclose herewith a copy of the Supplemental Information Disclosure Statement and accompanying Form PTO-1449 that were filed on March 10, 2004. A copy of the Form PTO-1449 was returned to Applicants with the mailing of the current Office Action, however, Applicants note that, although it appears the Examiner has considered the cited references, the Examiner's initials do not appear next to reference numbers A1-A2 and B2. Accordingly, Applicants request confirmation that the Examiner has considered these references and ask that they receive a copy of the Form PTO-1449 indicating such. Copies of the references

Amendment and Response U.S. Serial No. 09/422,999 Page 7

were provided with the initial submission, however additional copies can be provided upon request.

Conclusion

Applicants respectfully submit that the application is in condition for allowance and request early and favorable action. Prior to issuing another Office Action, Applicants' attorney respectfully requests that the Examiner call the undersigned at the telephone number below in order to expedite allowance of this application.

Respectfully submitted,

Date: September 3, 2004

Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110

Tel.: 617-310-8423

3109364_1

Jennifer G. Moitoso

Attorney for Applicants

Reg. No. 51,752

EXPRESS MAIL MAILING LABEL NO. EL 653443072US



MIT-103 (5473/111)

Transmittal Form (1 page); Fee Transmittal (1 page); Information Disclosure Statement (2 pgs.); Form PTO-1449 (1 pg.); copies of references A1-A2; B2 and C33-C37; Check in the amount of \$180.00; Associate Power of Attorney all under Express Mail Mailing Label No.: EL653442806US, dated March 10, 2004.

Name of Applicant:

Kawasaki, et al.

Serial Number:

09/422,999

Atty:

Jennifer G. Moitoso, Reg. 51,752

Date:

March 10, 2004



Atty:

Serial Number:

Name of Applicant:

Kawasaki, et al.

March 10, 2004

Jennifer G. Moitoso, Reg. 51,752

Statement (2 pgs.); Form PTO-1449 (1 pg.); copies of references A1-A2; B2 and C33-C37; Check in the amount of \$180.00; Associate Power of Attorney all under Express Mail Mailing Label No.: EL653442806US, dated March 10, 2004.

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		Examiner N	ame	Murphy, J.	Murphy, J.		
FORM	Λ	Attorney Do	ocket No.	MIT-103			
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		ENCLOSURES (ca	heck all that apply)				
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Direct all correspondence to:	Patent Admini Testa, Hurwitz High Street To 125 High Stre Boston, MA (Tel. No.: (617 Fax No.: (617	z & Thibeault, LLP ower cet 02110 7) 248-7000	Date: March 10, 200 Reg. No. 51,752 Tel. No.: (617) 248- Fax No.: (617) 248-	Jennife G. Moitoso 3-8423 Attorney for Applicants			



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Complete if Known					
Application Serial Number	09/422,999				
Filing Date	October 22, 1999				
First Named Inventor	Kawasaki				
Group Art Unit	1646				
Examiner Name	Murphy, J.				
Attorney Docket No.	MIT-103				

TANGENT OF BAVALENT	FEE CALCULATION (continued)					
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1.17.	130	130	Non-English specification			
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3. Applicant claims small entity status.	110	55	Extension for reply within first month			
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Patent Administrator	Date: March	10, 2004	Charle V. Mato	<i>\tilde{L}_i</i>		
Testa, Hurwitz & Thibeault, LLP	Reg. No.: 51	,752	Jennifer G Maitoso			
High Street Tower-125 High Street	Tel. No.: (61	7) 310-842	3 Attorney for the Applicants			
Boston, MA 02110	Fax No.: (6	17) 248-710	00 Testa, Hurwitz & Thibeault,	LLP		
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PATENT Attorney Docket No. MIT-103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Kawasaki, et al.

SERIAL NO.:

09/422,999

GROUP NO.:

1646

FILING DATE:

October 22, 1999

EXAMINER:

Murphy, J.

TITLE:

GENES INTEGRATING SIGNAL TRANSDUCTION PATHWAYS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

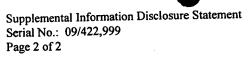
Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

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	(1)	within three (3) months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. 1.114; or
\boxtimes	(2)	after the period defined in (1) but before the mailing date of a final action or a notice of allowance under 37 C.F.R. 1.311, and
		the requisite Statement is below, OR
	\boxtimes	the requisite fee under 37 C.F.R. 1.17(p), namely \$180.00, is included herein, or





	ter the mailing date of a final action or notice of allowance but before the payment the issue fee, AND
☐ th	e requisite Statement is below, AND
☐ th	te requisite petition fee under 37 C.F.R. 1.17(p), namely \$180.00 is included herein.
It is respectfull PTO-1449, and othe	y requested that each of the patents and publications listed on the attached Form r information contained herein, be made of record in this application.
Ac required un	STATEMENT der 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that:
<u> </u>	Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or
	No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.
Date: March 10, 20 Reg. No.: 51,752 Tel. No.: (617) 310 Fax No.: (617) 248	Jeffnifer G. Møitoso Attorney for Applicants Testa, Hurwitz, & Thibeault, LLP High Street Tower



PATENT

Attorney Docket No. MIT-103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLE ANT(S):

Kawasaki et al.

SERIAL NO.:

09/422,999

GROUP NO.:

1646

October 22, 1999

EXAMINER:

Murphy, J.

FILED: TITLE:

Genes Integrating Signal Transduction Pathways

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ASSOCIATE POWER OF ATTORNEY

Sir:

An associate power of attorney is hereby granted to:

NAME	REG. NO.
Jennifer G. Moitoso	51,752
· · · · · · · · · · · · · · · · · · ·	

in connection with the above-identified patent application.

Please continue to direct all correspondence relating to the above application to:

Patent Administrator Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110

Date: March 10, 2004

Tel. No.: (617) 248-7368

Reg. No. 39,061

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Respectfully submitted

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VER 9/00 301934





FORM PTO - 1449

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

ATTORNEY DOCKET NO.: MIT-103

APPLICANT(S): Kawasaki et al.

DISCLO	SURE	STATEMENT		<i>w/</i>	SERIAL N	IO.: 09/42	2,999			•	
		STATEMENT	PADEMARK OF	>	FILING D	ATE: 10	/22/99	GRO	UP N	O.: 1646	
			U.S.	PATENT	DOCUMI	ENTS					
		DOCUMENT NUMBER	DATE	DATE NAME		CLASS		CLASS SUB CLASS		FILING DATE IF APPROPRIATE	
	Al	4,618,598	10-21-86	Conn					Ļ	12-82	
	A2	5,874,464	02-23-99	Marqu	ez et al.				06-	13-95	
			FOREIG	GN PATE	NT DOCU	MENTS					
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY		SUB CLASS	FILING DATE	ABSTR. ONLY	ACT	ENGLISH LANG (Y/N)	
	B2	WO 91/15515	10-17-91	PCT			04-05-91			Y	
· ·			OTHER AR	T, JOUR	NAL ART	ICLES, E	ETC.			· .	
EXAM. INIT.	ОТІ	HER DOCUMENT									
	C33	Ral" The EMBC	<u>) Journal</u> , Vol.	17; No. 23,	pp. 6776-678	32.					
	C34	Haemostasis, Vo	ol. 74 (1), pp. 3	02-308.							
	C35	Newman et al., Using the Mono	(January 1985) clonal Antibod	"Quantitati y, AP-3" <u>Bl</u>	on of Membra lood, Vol. 65;	ane Glycop No. 1, pp.	rotein IIIa 227-232.	on Intact H	Iuman	Platelets	
	C36	signaling cascad Netherlands, Ch	les," <u>Ras-like si</u> apter 1; Genera	mall GTPaso al Introducti	es in platelet l on	olology, UI	niversity ivi	edicai Cen	ue oi	Officency The	
	C37	Zacharaski et al. Retrospective C	., (1990) "Chro ohort Observat	nic Calcium ional Study	Antagonist \ ' Cancer Inve	Use in Card stigation, \	cinoma of th Vol. 8 (5), p	ne Lung an p. 451-458	d Cole 8.	on: A	
EXAMI	JED				DATE C	CONSIDE	RED	•	•		